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<b>Article:</b>	<b>An Evaluation on Means to upgrade the Effectiveness of Judiciary in Pakistan: A Content Based Overview</b>
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## **ABSTRACT**

This study attempts to explore the major barricades as faced by the Judiciary of Pakistan while rendering the service delivery to the aggrieved parties in society and to evaluate the effectiveness of judiciary while rendering its deliverance of service mainly through analyzing the contents available in literature. The study is done mostly on the principles of mix methodology. Primary and secondary sources have been critically analyzed to understand and differentiate hurdles in the way of its effective performance. Modern tactical, scientific and substantial measures have been recommended for upgrading dexterous approach and to improve its efficiency and meagerness.

**Keywords:** Judiciary, Judicial effectiveness, barriers, evaluation ad judicature

## INTRODUCTION

Judiciary is one of the most significant organ of the sovereign state and commended with the duty of administration of Justice according to the constitution of Islam Republic of Pakistan. Constitution guarantees equal rights to state nationals in the shape of 'Adl wa Ehsan'. In the Holy Quran, synonym of 'Adl wal Ehsan' is to do 'justice and maintain the balance'. Justice assurance is one of the significant and fundamental principles of Islam. Various verses (Aayats-e Quran) in the Holy Quran are directly related with Justice. The Almighty says regarding the justice in this way, "*Verily! Allah commands that you should render back the trusts to those to whom they are due; and that when you judge among men, you judge with justice.*" (verse 4:58)

The establishment of legal rights is what justice administration entails. A law is a system of regulations that guide a society's behavior; when those norms are broken, deviants face punishment. The legal system is a social control organization that uses laws to maintain social order. This organization is in charge of the system of rules in place to prevent negative behavior. A legal system also has rule-making authorities that are responsible for defining laws and regulating it. The criminal law is divided into three categories: crimes against the state, crimes against persons, and crimes against property. Treason and espionage are examples of crimes against the state, as defined under the Official Secrets Act 1989 and the Treason Acts of 1351 and 1848. Murder, sexual or bodily harm are examples of crimes against the person that are covered by common law. Theft, criminal damage, and fraud are all crimes against property that are covered by the Theft Act 1968.

The judiciary serves as the keeper of the Constitution and the law in a democratic society governed by the rule of law. Typically, the judiciary resolves conflict between litigants and the government and its ministries. This sometimes creates conflict between judiciary and government. An independent and well established judiciary is mandatory for a democratic government. A federal state is based on an agreement between legislative, financial and executive powers regarding distribution of powers between the federation and units. An impartial judiciary is required to keep the different organs of the State within their respective spheres of work. Article 175 of the constitution envisages separation and independence of judiciary. Since independence, political and judicial system witnessed many ups and downs. Constitutions were formulated and abrogated which significantly affected judiciary as well. Delay in disposal of cases has greatly stigmatized the justice system of Pakistan. Judiciary without independence of a state is inconceivable. "Independence is the holy virtue of judges," as one jurist put it. Judicial independence refers to a judiciary that fairly and honestly applies the facts of a case to the laws, as well as a judge's capacity to interpret and apply the laws without favoring one party over another.

## **Statement of the Research Problem**

An effective justice system is required for the rule of law to prevail, since it ensures the protection of political and civil rights and establishes accountability mechanisms that assist the judicial system in safeguarding the right to equality of all individuals before the law. In Pakistan, Justice is notorious for being complicated, lengthy and costly. Huge delay in disposal of Cases and prevalent corruption skyrocket the cost and duration of the litigation. The aim of this research paper is to pinpoint the core issues and their causes and identify the remedies to improve the judicial system which will make the justice reachable and affordable to every common citizen at his door step. However, there is a dire need to overhaul the working of the judicial system for timely disposal of cases.

## **Objective and research questions**

The study mainly revolves around the following major objectives in terms of contents literary and pragmatic evidences:

1. To know the historical background and structural progression of judiciary in Pakistan.
2. To explore the major barriers or challenges faced by judicature and evaluate its performance while rendering judicial services
3. Suggest way outs to eliminate factors involved in way of effective exercise of its powers

## **Scope and Significance**

The main purpose of this research is to explore and evaluate Pakistan's judicial system in light of the fact that the entire structure of the judiciary is in the grip of different impediments and challenges. The current research will aid in understanding the function of the judiciary in delivering justice to Pakistani citizens. Second, it would aid in comprehending the concerns and challenges that the judiciary faces. The study will also seek to highlight extra-constitutional influence by civilian and military regimes, as well as the consequences for politics and the court. Following the conclusion, recommendations will be made based on the findings of the research to correct the condition.

## **Literature Review**

Pakistani judiciary has judicial character of the Holy Prophet (PBUH) as a role model which present the rules that are universal by nature and are applicable to all types of the laws whether civil or criminal. But due to lack of proper understanding of the teachings of Qur'an and Hadith, judicial system of Pakistan could not succeed to accomplish the standards set by Muhammad (PBUH) in providing justice. Judicial System in Islam is based on the principle of supremacy of Allah's rules. Prophet (PBUH) would hurry to resolve the matter put forward by any companion without any delay. Often he referred cases to his companions for decision thus introducing the concept of the Court-Bench. Different interpretive measures were adopted to resolve the contemporary problems as per the demand of the time and the situation of each matter. PBUH was well aware of the fact that while administering justice in future, different situations and problems would evolve, so he made the interpretative process quite flexible for coming generations. Usually Holy Prophet (PBUH) used to decide the matter as per his understanding keeping in view the public interest. The same view is implied in the present

system that a judge takes decision based on the correct understanding of rules laid. Judicial policy's primary source is the Constitution of Pakistan 1973 which in turn consist of the principles laid by Qur'an and Sunnah. Hence, the primary source of the interpretation of Constitution is also Qur'an and Sunnah. The Constitution states that the authority shall be exercised as sacred trust and within certain limits as prescribed by Allah (Razi 2020). Rule of law was the foundation stone of the Riasat-e-Madina and the organizational of justice on speedy basis was one of the reason to establish it as great emergent state of that era. Without effective administrative system of Justice, no state can stand even in the modern era. Though, State of Pakistan got judicial system from British, and no serious attention has been paid since 1947 till now for its up-gradation. This outmoded judicial system was actually premeditated and effected for the slaves of undivided Sub-Continent. It is of highly significance that when the people move to the forums as established under the constitution for resolution of some matters or grievances they must be entertained fairly, inexpensively and within reasonable time. However, this situation is not prevailing in Pakistan. There is a general perception prevailing among the citizens are exhausted with the judiciary and desired for speedy justice. (Khokhar 2022) Judicial systems of under developed countries usually do not enough proficient to render its services with great zeal. Enactments are often not subject to expectable interpretation. Certainly fractional and inefficient judicature generates uncertainties like fast increase in backlogs, delays in justice, and corruption, which further accelerate disbelief in the system nationwide. (Jiang 2006).

After creation, Pakistan adopted several instruments in the form of international treaties of binding nature including the Convention on the Prevention and the Punishment of the Crime of Genocide (1948), the Refugee Convention (1951), the International Covenant on Civil and Political Rights (1966), the International Covenant on Social, Cultural, and Economic Rights (1966), the Convention on the Elimination of All Forms of Racial Discrimination (1966), the Convention on the Elimination of All Forms of Discrimination Against Women (1980), the Convention on the Rights of the Child (1989), and the Convention that Outlaws Torture and Other Forms of Cruel, Unusual and Degrading Treatment. But unfortunately the government have done much for enforcing them in the country. (Ahmer Bilal 1993)

A state, according to Montesquieu, has three functions: legislative, executive, and judicial. Independent bodies must execute these three functions in order to avoid a concentration of power in one institution. If a single body performs both legislative and executive tasks, the senate can make tyrannical laws and impose them in a dictatorial manner. In Pakistan's history, the army has been a prominent player, influencing the role of the court. Pakistan has alternated between military and civilian governments, with the court being utilized to legitimate military regimes' extra-constitutional actions. If a democratic administration is truly independent, it ensures that judicial autonomy will flourish in the country. After 2009 movement, judiciary is asserting autonomy from the military and extending the same attitude towards the civilian government and is considering itself as a representative of the public will. Judiciary is establishing a self-conception of public legitimacy and accountability (Munir 2018)

## **Methodology**

This study is the outcome of mix methodology. It is mainly based on the Principles of Qualitative Research. Primarily, the qualitative method has been adopted to understand the challenges faced by Judiciary of Pakistan; its social and economic impact on common citizens and recommendations for making the system work in a better manner. Primary data was collected through field research, conduction of semi-structured interviews from experts engaged in judicial services and from personnel of law enforcing departments. To analyze more in-detail the phenomenon, secondary sources of information including Literature review, service laws/ rules, judicial reports, Conference Proceedings and official websites have also been consulted.

## **Research Limitation:**

Under part VII of the constitution of Pakistan the judicature of Pakistan is moderately colossal comprising of Superior, subordinate, special and administrative courts etc; critical evaluation/analysis of each of its fragment cannot be proceeded owing to the limitation of time and resources. Hence scope of the research will be limited to some of the internal and external factors affecting the service delivery of Superior Courts of Pakistan.

## **Historical perspective: An overview**

Judicial system of Pakistan was evolved through different era covering the Hindus and Muslims period. Overall, the judicial system passed through three main stages, like Hindu Kingdom, Muslim-rule (including Mughal Empire) and British colonial era. The prevailing system may have called as Post-independence period that started after partition of united India. From 1500 BC till 1500 AD, during the Hindu period, the court of justice was next to king's court and appeals against the decisions of court of justice lay to the king's court who was considered as a final appellate authority. Village tribunals (town court) was associated with indulgence of justice through reconciliation at village level and appeal of cases as decided by the judicial magistrate (village headman) lay to the higher courts and finally to the king's court. No statutory laws or other rules existed for court decisions. The cases were decided as per Hindu caste traditions and were decided under the panchayat system. The era (Muslim-ruler) of evolution of judicial system arose from 11<sup>th</sup> century A.D and lasted till mid of the 19<sup>th</sup> century. Structured judicial system was established throughout the subcontinent. Panchayat system at village level, courts headed by Qazi-e-Parganah at town level, Qazi Courts at district and Adalat Nazim-e- subah at provincial level were established to render the justice. Muslim kings (Mughals) developed an Islamic legal system that was a combination of existing Islamic, Persian, and Hindu systems. While the local Panchayat system was restricted to Hindu religious affairs solely. (Hussain 2015)

### **(The British period)**

The East-India company under the Charter of 1623 established its own courts to settle disputes amongst its own employees. The charter of 1661, empowered the governors and council to settle cases of the employees and local community as well. Gradually two systems of courts evolved, the Supreme Court and recorders courts preceded by British judges having jurisdiction over the English people residing in presidency towns and Cases of local community settled in mufussil were taken into “*Sadar Deewani Adalat*” and “*Sadar Nizamat Adalat*”. Sadar Dewani adalat was court of appeal in civil cases and Sadar Nizamat adalat was criminal cases appellate court. Two Moulvis, in addition to Qazi and Mufti of the District used to apply Muslim law in all criminal cases. Kolkata Supreme Court under the Regulation Act 1773, Recorders Courts at Madrass and Bombay in 1798, Recorders Courts in Madrass under Parliament Act 1800 were few of the new structured courts during British Raj. For each presidency town, High Court established by substituting the Supreme Courts and Sadar Adalat Courts under the High Court act 1861. High Court Act 1860 also contained the eligibility and appointment of Judges of such High Courts. High Courts of Allahabad in 1866, Patna and Lahore High Courts in 1919, and Rangun High Court in 1936 were also founded. Judicial Commissioner Courts were established in several districts under the Sindh Courts Act 1926, the Sindh Chief Court, the NWFP Courts Regulation 1931, and the British-Baluchistan Courts Regulation 1939. Similarly, the code of civil process 1908 established Civil Courts, Courts of district judges, supplementary district judges, and civil courts of Munsif. (RAO 2011). Section 200 of the Government of India Act established the Federal Court (1935).

### **Post-Independence and Judicial structure:**

British sovereignty was to cease over the united India under the Independence Act, 1947 after 15<sup>th</sup> August 1947. According to the Independence Act Both of the dominions were made sovereign and given legislative authorities. The first Constituent Assembly of the newly born state was established on 11<sup>th</sup> August 1947 and assigned two basic tasks; to legislate future constitution and to act as federal legislature. The interim reports of constituent assembly were silent on the structure of the judicial system but adequate provisions were incorporated in articles 148 to 178 of the 1956 constitution to ensure the independence of judiciary. According to Article 165, two high courts were established for East and West Pakistan. In addition to its traditional appellate and advisory functions, the Supreme Court was given particular powers by the Constitution of 1956 to adjudicate on constitutional interpretation, to enforce fundamental rights, and to evaluate judicially. Part 9 of the constitution of 1956 outlined the requirements for judicial officials' eligibility, appointments, and removal, as well as their powers, authorities, and jurisdictions. (Khan, 2009). The majority of the judicial provisions of the 1973 constitution are comparable to those of previous Pakistani constitutions. Articles regarding composition of Judicature have been incorporated under part VII of 1973 constitution. The Federal Shariat Court was established in 1980 under Article 203C (2) of the 1973 Constitution of Islamic Republic of Pakistan, for Islamization of laws in Pakistan. As per Article 203C (2) It will be made up of no more than eight Muslim judges, including the Chief Justice of the Supreme Court, who will be selected by the President. The Federal Shariat Court's main seat is in Islamabad; however, the Court can sit anywhere in Pakistan with the President's

assent. According to Pakistan's 1973 constitution, all provincial level chief courts must have benches in the cities listed in sub clause (3) of Article 198. (Mahmood 2010).

### **Organization of Judicature**

The judicial system is divided into superior and subordinate branches. Constitutional, Ordinary, and Special Courts are the three types of courts. The Constitutional Courts include the Supreme Court, the High Courts, and the Federal Shariat Court. Ordinary courts at the district level include the Senior Civil Judge, Civil Judges, Judicial Magistrate, Family Courts, and Revenue Courts, whose jurisdictions are determined by ordinary legislation. Several special courts/tribunals have been established to deal with federal/provincial issues within the administrative supervision of the federal/provincial governments. The courts in Azad Kashmir and Gilgit Baltistan are separate. Civil courts, which were formed under the Pakistan Civil Court Ordinance 1962, and criminal trials, which were established under the Criminal Procedure Code of 1898, are the two sorts of courts. These courts are within the authority of the High Courts. In addition to civil courts, legislatures have established revenue courts, special courts/tribunals, and administrative courts and tribunals. (Shah 2008)

### **Result and Discussion**

The following section outlines the results into two main categories: the internal and the external factors that affect the efficacy and deliverance of judicial services in Pakistan.

#### **Internal Factors**

##### **Relationship between Bench and Bar:**

Bar-Bench relation refers to relationship between the Advocates and the Judges. The strength of the one is the ultimate success of the other and degeneration of one cause the down fall of the other. Justice (Retd) Krishna rightly said, "*the Bar first lost its best values then Bench surrendered*". The mutual co-ordination between Bench and Bar is significantly important for successful judiciary. But bench and bar ties started straining over the presidential references filed against Justice Qazi Faez Isa of the Supreme Court and Justice KK Agha of the Sindh High Court. Supreme Judicial Council (SJC) issued show cause notices to the two judges. The bar believes that references have been filed with mala fide intent. Lawyers raised serious questions over the conduct of judges working as SJC members. The bar always remained 'anti-establishment'. However, senior lawyers believe that instead of focusing on issues-based politics, bar representatives represent the sentiments of their voters. Mutual cooperation between the both is the necessity for delivering justice to common people. (Hassanat Malik, 2019)

##### **Delayed justice and Backlog of court cases:**

Pakistan's legal system is infamous for long delays and ineffective case management. Individuals on trial are frequently forced to languish in jails for years before their cases are resolved. As a result, there is an overworked judiciary, a sagging jail system, and a loss of trust in the legal system. Because of antiquated notice mechanisms, accused parties sometimes fail to appear in court. Non-compliance with High Court rules, frequent calls for strikes by lawyers' bar associations, Judges' inability to take former action against unengaged claimant, temporary



injunctions and intervening time relief, absence of witnesses and frivolous law suits, transfer of Jury, transfer of a case from one Judge to another, Judges' non-judicial or administrative duties; and Insufficient court facilities (physical as well as human). The perception of severe punishment is lessened when punishment is delayed. (Junaid, 2017)

### **Judiciary lacks coherence as an Institution:**

Judges of superior courts throughout the political and constitutional history were compelled by military rulers to hold their offices by oaths taken under Provisional Constitutional Orders (PCOs) as issued in different regimes of dictators (PCO) but Judiciary never responded collectively to a threat or interference in the independence except once in 2007. On 3<sup>rd</sup> of November 2007 Judiciary was directly hit when Justice Iftikhar Muhammad Chaudhry coerced to put resignation on table on grounds of misconduct. Although, Supreme Court directed judges not to follow any other extra-constitutional step but there were few judges who disobeyed the directions of Supreme Court. Since 1947 to 2009 the judiciary has consistently compromised on its own powers and has been confronted at times that paved the way for justification of arbitrary acts of executive, which ultimately undermines credibility of the judiciary. (Chaudhry, 2009)

### **Pathetic decisions of Courts during Constitutional Crisis:**

Decisions of major leading constitutional cases during the extra-constitutional regime like *Molvi Tamizuddin vs Federation* PLD 1955, *The State v Dosso* PLD 1958, and *Nusrat Bhutto v chief of Army Staff*, PLD 1977 etc. decided on the doctrine of necessity are feeble decisions of judiciary. The provisional constitution order of 4<sup>th</sup> October 1999 and 26<sup>th</sup> January 2000 issued by then chief of army Staff and decision by Justice Irshad Hussain in *Zafar Ali Shah v General Pervez Musharraf* 2000 case are evident that judiciary how got badly affected its credibility during extra-constitutional rule and how doctrine of state necessity was fully recharged and empowered the military dictator to amend constitution as he deems fit. (Khan 2009).

### **Lacunae in the appointment of judges**

The centralization of the hiring process in the judiciary is seen as a violation of the court's autonomy. The Supreme Court has the biggest influence over judicial appointments, with the majority of them being made on a political basis. Judges can simply form a coalition to profit from the forum. Similarly, when a potential judge is a member of that party, he is obligated to preserve his party's interests, resulting in biasness. This effect can be mitigated by establishing particular eligibility criteria for candidates. Tenure and dismissal from office are also used in this way. Despite the fact that the Supreme Judicial Council was established to oversee the removal of judges, the Supreme Court removed superior court justices without the consent of the Supreme Judicial Council. (Friedman.2010)

### **Prevalent Corruption and Ineffectiveness of System**

Judges in Pakistan are well compensated, but their performance is lacking. Pakistan's courts have an acquittal rate of around 80%. There is also widespread corruption in the system, and a person with excellent financial standing can quickly have himself exonerated from a lawsuit using various strategies. According to a Transparency International poll, 55 percent of

Pakistani citizens feel judges are corrupt. (Pdf Critical Analysis) Corruption and malpractices have decreased in the recent decade as a result of improved pay and privileges in the judiciary, but there is always potential for improvement. (Fruman, S, 2011)

### **Lack of Performance Indicators for Judges**

There is a common perception that judges are not accountable for the work they are delivering, as the independence of a judge is necessary for freedom of decision-making and non-interference by the executive and legislature. However, the performance of judges and courts must be evaluated, somehow, as courts are run by public means. Performance evaluations are done to improve professional development. Evaluations portray the performance of individual or institution assessing what needs to be worked upon. Such evaluations help the judges in self-correction. Unfortunately, little work is done for developing indicators for measuring their performance resulting in inconsistencies in the related policies. (Gazdar, 2010)

### **External Factors**

#### **Misusing Public mobilization by judiciary**

Following the attorneys' movement, which was fueled by public support for the judiciary, the latter started to see itself legitimated by the broader public. Following the reconstitution of the judiciary in March 2009, this perspective grew in court opinions. Similarly, everybody who rejects a court's ruling is challenging the public will, and people, not courts, impose orders made in reaction to such contempt. Nevertheless, in the domain of public will, the courts have begun to become overly involved in high-profile political disputes, which often equates to a neglect of the judicial system's deterioration. Similarly, excessive concentration on unrelated political matters has the opposite effect on ordinary instances. Courts are unable to achieve a balance between judicial independence and its limitations. In the same way, the Court's continued exercise of authority could jeopardize the constitutional principle of power distribution.

#### **Lack of System of Checks and Balances:**

Pakistan features a three-tiered democratic system that is subject to checks and balances. In federal democracies, "check" refers to each organ's ability and responsibility to administer the activities of the others, while "balance" refers to each organ's ability to utilize its authority to limit the authority of the others. Fixing the price of daily commodities, for example, is an executive job. The Lahore High Court took notice of rising oil and sugar prices and, while in office, set the sugar price at Rs. 40 per kg to keep inflation in check and make sugar more accessible to the public. The verdict threw the sugar business into disarray, but the Supreme Court affirmed the lower court's decision, ruling that sugar must be sold at the same price set by the Lahore High Court until a new price is established. (Gerhardt, 2002).

With the principle of due process of law safeguarded under Article 10-A, such judicial interference is deemed a violation of the Constitution. Such paradoxical judgments frequently instill public distrust in civilian administrations and result in inter-state conflicts that are far more catastrophic than the benefits gained from such measures. (Judicial Conundrum) The majority of suo motu decisions are based on media sources. The projection of a matter by media

bodies compels courts to take notice, despite the fact that media news is not always impartial or authentic, but rather driven by human whims. (Ghias, 2010).

### **Executive Impact on the Independence of Judiciary**

Strong executive power can sometimes be a hindrance to judicial independence. The executive's unjustified influence on the judiciary can be viewed from a variety of perspectives, including the executive's role in the selection and removal of judges, its interference in court processes, the executive's abuse of authority, and its disrespect for court decisions. Pakistan's constitutional history reveals that no government desired an independent judiciary. They favoured judges who were deferential. Governments have damaged the independence of the judiciary by establishing new mechanisms for removing judges, in addition to politicized judicial selections. (Friedman, B. 2002).

Furthermore, political regimes harmed judges' independence by harassing them in the hopes of obtaining a favorable verdict. If judges defied governmental pressure, they were publicly humiliated, along with their families. Even the Prime Minister mocked the judiciary on multiple occasions, both in parliament and in public, for ruling against the government. When contempt proceedings against then-Prime Minister Nawaz Sharif began in the Supreme Court in 1997, political activists began harassing the Chief Justice and eventually assaulted the courtroom where the contempt processes were being held. (Silverstein, 2012)

### **Executive misuses Judiciary as an Instrument for Political Victimization:**

Another unpleasant element of Pakistan's judicial history is that sitting administrations have exploited judicial proceedings to target political opponents under the pretense of prosecution. Every civilian administration in the world built cases against political opponents in order to keep them under pressure. By 1977, the ruling government had filed scores of charges against renowned politicians on matters that were rarely related to politics, thus abusing judicial power. (Fiss, 1979).

### **Impact of military coup on the Judiciary:**

During martial law regimes provisional constitutions orders of 1958 the laws (continuance in force) order, in 1969, provisional constitution order (PCO) promulgated by general Yahya, Martial law Regulation order 1969, Removal of doubt order 1969, PCOs in 1977 and 1999 directly affected the jurisdiction of judiciary. During the martial law regimes, a bar was put on judicial powers not to entertain cases or pass any judgement against any order of the martial law administrator. All courts were allowed to exercise their respective powers only if they do not pass any judgment against military dictator. Appeals against any decision of the military courts were not allowed to even Superior Courts. If the attempt was made by a Court to review the actions taken by martial law regime, the powers of the courts were restricted completely.

### **Strengths and weakness of Judicial System**

The Judiciary of Pakistan is being as one of the pillars of the state responsible for the protection of human rights; physically well-structured and functional throughout Pakistan. It has robust legal framework backed by the Constitution and other statutory laws. Islamic is the

essence of constitution hence any law or custom contradicting Islamic provisions is deemed null and void.

It provides the platform and the breathing space to manage tolerance from escalating into intolerance. On the other hand, it rarely touches matters of human rights like Gender equality, right to a fair trial, right to privacy and dignity of home, women's right to marry with their free consent only, rights to liberty etc. Lack of serious measures for developing Key Performance Indicators for evaluation of judges is a major weakness of our court system. (Pakistan 2014).

### **Conclusion and Recommendations**

The judiciary faces numerous issues, which must be solved in partnership with the government. To meet these problems, it is critical to safeguard institutional democratic ideals over individual interests. As a result, in order to eliminate individual influence, it may be necessary to increase the use of paperless technology in order to improve productivity and protect secret data.

External media and political influence has a negative impact on its functional structure. The government should create a democratic culture that centers on institutions rather than strengthening individuals at the expense of institutions. It is critical to strengthen representative institutions in order to rein in the entrenched military and ensure its transformational preservation, as well as to focus on the uplifting of institutions rather than undermining the military.

There is a disparity between state departments, which is exacerbated by structural concerns such as a lack of resources and the waste of resources and time owing to duplication of activities. The role of the press and media, adherence to the oath and institutional code of conduct, policymaking based on public inspirations, reinforcing and equalizing institutions, democratization of functioning, appropriate coordination between different branches of government, and self-realization of constraints are just a few examples of institutional reforms that can be used to address these issues.

False evidence, information and witnesses, delaying tactics and wrong charge sheets, misuse of powers by the investigating agencies are lacunas and cogent reasons of inadequacy of judicature. Mechanisms can be adopted to improve the old laws and introduce new strict laws, punitive damages may be sanctioned on the wrong doers, false witnesses and post ponders of the cases. The path to do justice swiftly, professionally and adherence to the doctrine of separation of power are the tools to make the judicature real effective. Nationals may flourish and attain privileged positions in the globe and would better contribute towards international peace and progress of humanity if judicature is transparent, systematic and up-to-date.

It is alarming for stakeholders that every year, Pakistan has graded poorly in the world in jurisdictive delivery. Currently judiciary is so multifaceted, overlay, ineffective and old-fashioned, and has generally lost the citizen's trust and confidence. Moreover, it has unfavorably damaged the legal credibility in almost every international contracts in context of exercise of jurisdiction. For adequate administration of justice, it is suggested to launch some units at national level with the command to propose modern strategic techniques for improving

the judicial system. Some scientific or forensic approach must be applied to assess the lacunas of the entire judicial system in order to its advancement.

Judges are regarded as the Constitution's caretakers, and they swear to safeguard, preserve, and interpret it when they take their oath. As a result, the ultimate goal of the judiciary is to resolve problems rather than to create them, and it does not usurp political authority but rather ensures the actual meaning of Article 175 of the Constitution.

In Pakistan, the expanded scope of suo motu is a factual test not only for the court but also for other statutory branches of state institutions, which actually reduces proficiency and leads to inter organ interactions. As a result, instead of prioritizing political and suo motu cases, the Superior Judiciary should concentrate on pending cases, which is its primary responsibility.

The effectiveness of judicial officers must be evaluated on a regular basis by professionally qualified evaluators using scientific instruments such as questionnaire surveys or evaluation Performa's. Following the evaluation, the judges' scores must be publicly acknowledged. This will increase passion while motivating others to accomplish at a higher level.

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